

REMARKS

This Request for Reconsideration is in response to the Office Action mailed August 13, 2003 in which claims 1-3 were rejected.

Regarding the objection to the drawings as failing to comply with 37 CFR 1.84(p)(4), the Examiner refers to the reference character "27" being used to designate both "refracted light" and "second light rays" and requiring a proposed drawing correction or corrected drawings.

The objection is not understood. Claim 1 in line 5 claims "refracted light (27)" and claim 2 claims "second light rays (27)". The specification at the last two lines of page 3 and continuing on to page 4 states as follows:

The optic 24 **refracts** or otherwise bends the light rays 22 into **second light rays** 27 that are projected on to a translucent screen 28 to form images of different sizes, i.e., that fill the screen 28 to a greater or lesser extent as shown in Figs. 3-5 as discussed below (emphasis supplied).

As can be seen, the specification and the drawings refer to the optic 24 for controllably refracting the projected light (22) for projecting refracted light (27) which is also called "second light rays (27)."

37 CFR 1.84(p)(4) does not say that the same reference character cannot be used to designate both refracted light and second light rays *in the claims*. It says that the same part of an invention appearing in more than one view of the drawing must always be designated by the same reference character, and the same reference character must never be used to designate different parts.

The reference character 27 has been used *in the claims* to designate refracted light in claim 1 and second light rays in claim 2. This is not designating the same part by different reference characters. What 37 CFR 1.84(p)(4) deals with is a situation such

as shown in Fig. 15 of the primary reference (Waldern et al: U.S. 6,407,724) in which both the processor 293 and the dynamic lens 293 are using the same reference number and thereby creating some confusion.

The only possible problem in this regard with the present drawings is Fig. 6 which shows some of the parts of Fig. 1 again, although in a different usage situation, with different reference numerals. Therefore, the common parts of Fig. 1 and Fig. 6 are changed in Fig. 6 to have the same reference numerals as Fig. 1 as per 37 CFR 1.84(p)(4). This change is provided in a separate amendment.

Withdrawal of the objection to the drawing is requested.

Regarding the 35 U.S.C. § 102(e) rejection of claims 1-3 as being anticipated by Waldern et al (U.S. 6,407,724), the applicant has the following remarks.

Regarding the method of claim 1, the Examiner points to light projected from an image projector, pointing to column 15, line 61-64. This refers to Fig. 12 of Waldern where an LCD or electro luminescent panel is another way of doing that which is shown in Fig. 12. It is not clear from Waldern what is meant by this statement but it appears that the light elements 253 (lasers or LEDs) 250 are possibly replaced by an LCD or electro luminescent panel, leaving gaps in the "display layer". What is meant by the display layer is not clear. In any event, if either the light emitting elements 250 of Fig. 12 or an LCD or electro luminescent panel were used, such would constitute projecting light from an image projector, although no image information signal is shown (as claimed in claim 1).

Regarding the second step of claim 1, it states that the projected light is controllably refracted in response to a first control signal for projecting refracted light for providing viewable images of varying extent.

The EHSC (Electrically Switchable Holographic Composite) 251 of Fig. 12 of Waldern comprises a number of layers, each of which contains a plurality of pre-recorded holographic elements which function as diffraction gratings (or as any other chosen type of optical element). See column 12, lines 39-52 of Waldern et al. The holographic elements can be selectively switched into and out of operation by means of respective electrodes (not shown by Waldern et al), and sequences of these elements can be used to create multiple diffraction effects.

This would constitute controllably refracting the projected light as claimed in the second step of claim 1, but Waldern et al does not say anything about providing viewable images of varying extent such as illustrated in Figs. 3-5 of the present disclosure.

Regarding the third step of claim 1, it claims controllably refracting the viewable images in response to a second control signal for viewing the images of increasingly smaller extent with correspondingly increasing magnification. This last step is also not shown by Waldern et al. Waldern merely states that the ESHCs can be used to create multiple diffraction effects.

The Examiner also points to column 16, lines 12-15 for the claimed first control signal. The passage at column 16, lines 12-15 refers to Fig. 15. The cited passage describes the lenses in the panel 292 which is a panel of lenses that forms images of the surroundings on the detectors in the detector array 291. Signals received from the detectors are processed by a processor 293 for display on the display panel 290. It appears that there is a problem under 37 CFR § 1.84(p)(4) with respect to Fig. 15 of Waldern in that two boxes labeled with reference numeral 293 represent the processor while another device between the display panel 290 and the eye is also labeled with the reference numeral 293. This is apparently a dynamic lens (see column 16, line 18). There is also another problem in that the signal coming from the

display panel 290 into the bottom box of the processor 293 seems to be going in the wrong direction. If the reference numeral 290 represents a display panel, then it should be getting a signal from the processor not the other way around. The other arrow (dashed arrow) appears to be going in the right direction and would be representing a sensed signal from the detector array that represents imagery of the surroundings created by the panel of lenses 292. The sensed signals from the detector array would presumably be processed by the processor 293 and a processed signal sent back to the display panel 290 for the creation of images for projection to the eye through the dynamic lens 293.

Although there is a dynamic lens 293 apparently shown by Fig. 15 it does not include the steps claimed in claim 1 where the refraction is done for providing viewable images of varying extent in response to two distinct control signals for viewing images of increasingly smaller extent with correspondingly increasing magnification.

Waldern et al does not disclose anything of this kind.

Withdrawal of the 35 U.S.C. § 102(e) rejection of claim 1 is requested.

Regarding the device of claim 2, the Examiner points to column 15, line 63 for an image generator, in a similar fashion as utilized for the rejection of claim 1. As mentioned before, this refers to Fig. 12 where apparently Waldern et al is saying that the light emitting elements 250 are replaced by an LCD or electro luminescent panel. In both cases, the light would be provided to an ESHC 251. But, with the arrangement of Fig. 12 as modified by column 15, lines 61-63, there would be no screen responsive to second light rays from a first optic for providing third light rays indicative of images of varying size. Moreover, the setup of Fig. 12 as modified by column 15, lines 61-63 would not show the fourth element of claim 2 which is responsive to the third light rays

indicative of images of varying size for providing fourth light rays for viewing in response to a second control signal.

Referring to Fig. 15, the first optic is not responsive to any control signal but is a completely passive panel of lenses. The reference numeral 290 of Fig. 15 does not refer to a screen but a display panel because it is not responsive to any second light rays but is rather responsive to an electrical signal from the processor 293 which, if properly understood, should show the arrow coming from the processor 293 into the display panel 290 for the purpose of creating images on the display panel. Although there are light rays between the display panel 290 and the optic 293, there is no indication that these images are images of varying size even if reference is made to column 16, lines 15-18. This passage merely states that the user can switch the display on the panel 292 between internal imagery and the surroundings. Although such an optic might for the sake of argument change the size of images, it lacks the second optic as claimed in claim 2.

Even if the panel of lenses 292 were considered to be responsive to a first control signal (which as shown above, it is not), it does not provide light to a screen that provides third light rays as claimed indicative of images of varying size. It rather provides light (without varying the size) to a detector array which gets processed by a processor 293 for purposes of display on a display device which is separate from the detector array. In other words, the light provided by the panel of lenses 292 is not provided to the optic 293 but rather to an intermediary detector array where its character is changed completely from light to an electrical signal. This is not what is claimed in claim 2.

Rather, the projector of claim 2 provides first light rays to a first optic which, in response to the first light rays and a first control signal, provides second light rays. A screen is responsive to the second light rays, for providing third light rays

indicative of images of varying size. The second optic is responsive to the third light ray and to a second control signal, for providing fourth light rays for viewing. This is simply not shown by Waldern et al. Withdrawal of the 35 U.S.C. § 102(e) rejection of claim 2 is requested.

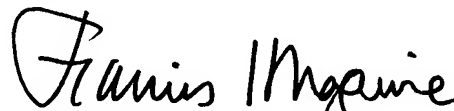
Regarding the 35 U.S.C. § 102(e) rejection of the device of claim 3, the first optic 292 of Waldern et al is not capable of being controllably refractive because it a totally passive panel of lenses which is not responsive to any control signal and does not provide light rays of varying extent.

The second optic 293 of Fig. 15 of Waldern is responsive to light from a display panel 290, not from the panel of lenses 292. Therefore, the dynamic lens 293 of Fig. 15 of Waldern does not controllably refract light from the panel of lenses 292, but from a display panel 290.

Withdrawal of the 35 U.S.C. § 102(e) rejection of claim 3 is requested.

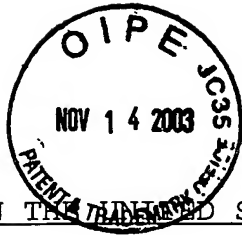
The objections and rejections of the Office Action of August 13, 2003, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-3 to issue is solicited.

Respectfully submitted,



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November 12, 2003
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313-012-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of :
Francis J. Maguire, Jr. :
Serial No. 10/057,489 : Examiner: M. Cruz
Filed: January 23, 2002 : Group Art Unit: 2851
For: METHOD AND DEVICES FOR DISPLAYING IMAGES
FOR VIEWING WITH VARYING ACCOMMODATION

Director
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TO DRAWING

Sir:

I hereby certify that this correspondence is
being deposited today with the United States
Postal Service as first class mail in an
envelope addressed to: Director, U.S. Patent and
Trademark Office, P.O. Box 1450, Alexandria,
Virginia 22313-1450.

Marilyn O'Connell
Marilyn O'Connell

November 12, 2003
Date

313-012-1
Serial No. 10/057,489

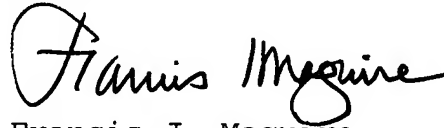
IN THE DRAWING:

Please amend the reference numerals in Fig. 6 according to the enclosed annotated sheet showing changes in red ink. A replacement sheet is also enclosed incorporating the changes.

REMARKS

This amendment is made to Fig. 6 in order to make the device on the right-hand side have the same reference numerals as shown in Fig. 1. Entry is requested.

Respectfully submitted,

A handwritten signature in black ink that reads "Francis J. Maguire". The signature is written in a cursive style with a large, looped initial "F".

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FIG. 6

